

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Plaintiff,

v.

BOROUGH OF MINERSVILLE
PENNSYLVANIA, *et al.*,

Defendants.

NO. 3:19-CV-0124

(JUDGE CAPUTO)

ORDER

NOW, this 10th day of October, 2019, upon consideration of Plaintiff's Motion to Amend my September 11, 2019 Order (Doc. 18) to include a certification to appeal under 28 U.S.C. § 1292(b), **IT IS HEREBY ORDERED** that the Motion (Doc. 18) is **DENIED as moot** because the September 11, 2019 Order is an appealable final order as it dismissed the Complaint without leave to amend and closed the case. *See Nationwide Ins. Co. of Columbus v. Patterson*, 953 F.2d 44, 45 (3d Cir. 1991) ("Ordinarily, an order granting a motion to dismiss is an appealable final order under 28 U.S.C. § 1291."); *Phipps v. Pennsylvania Dep't of Labor*, 777 F. App'x 51, 52 (3d Cir. 2019) (Third Circuit has appellate jurisdiction pursuant to 28 U.S.C. § 1291 of an appeal of a district court order dismissing a complaint under 28 U.S.C. 1915(e)); *Abbott v. Commonwealth of Pennsylvania Dep't of Corr.*, 426 F. App'x 42, 43 (3d Cir. 2011) (same).


A. Richard Caputo
United States District Judge